

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SECURITIES & EXCHANGE  
COMMISSION,

3:12-CV-01289-ST

Plaintiff,

ORDER

v.

3 EAGLES RESEARCH & DEVELOPMENT  
LLC, HARRY DEAN PROUDFOOT III,  
MATTHEW DALE PROUDFOOT, LAURIE  
ANNE VRVILO, DENNIS ASHLEY BUKANTIS,

Defendants.

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DENNIS ASHLEY BUKANTIS,

Defendant/Cross-Claimant,

v.

3 EAGLES RESEARCH & DEVELOPMENT  
LLC and HARRY DEAN PROUDFOOT III,

Cross-Defendants.

**JOHN S. YUN**

**HEATHER MARLOW**

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**BROWN, Judge.**

Magistrate Judge Janice M. Stewart issued a Findings and Recommendation (#72) by Order on September 25, 2012, in which she recommends the Court grant Plaintiff Securities & Exchange Commission's Motion (#6) for Preliminary Injunction and Other Relief against Defendant Harry Dean Proudfoot III for failure to timely respond to the Motion. This matter is before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

**BACKGROUND**

In its Motion Plaintiff seeks an order preliminarily enjoining all Defendants from violating provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 by offering, selling, or soliciting the offer or sale of any security issued by 3 Eagles or by any entity that 3 Eagles, Harry Dean Proudfoot III, Matthew Proudfoot, or Laurie Vrvilo directly or indirectly controls. Plaintiff also requests an order directing Defendants to provide an accounting of all investor funds, directing Defendants to preserve all documents and other materials in their possession or control, and authorizing expedited discovery.

The record reflects Plaintiff's Motion for Preliminary Injunction and other Relief was served on Defendant Harry Dean

Proudfoot III on July 24, 2012. The record, however, does not reflect any timely response by Defendant Harry Dean Proudfoot III.

Defendants Matthew Dale Proudfoot and Laurie Anne Vrvilo entered into a Stipulation and Order of Preliminary Injunction (#10) on July 25, 2012, which was signed by this Court.

### **STANDARDS**

Because no objection to the Magistrate Judge's Findings and Recommendation (#72) was timely filed by Harry Dean Proudfoot III, this Court is relieved of its obligation to review the record against him *de novo*. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). In light of the fact that the Findings and Recommendation did not include any analysis, however, the Court has reviewed the record and the underlying legal principles *de novo*. The Court does not find any error.

### **CONCLUSION**

The Court **ADOPTS** the Magistrate Judge's Findings and Recommendation (#72) and, accordingly, **GRANTS** Plaintiff's Motion (#6) for Preliminary Injunction and other Relief against

Defendant Harry Dean Proudfoot III, and **ENJOINS** Defendant Harry Dean Proudfoot III from violating provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 by offering, selling, or soliciting the offer or sale of any security issued by 3 Eagles or by any entity that 3 Eagles directly or indirectly controls.

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of November, 2012.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge